



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 25th July, 2014:—

BILL NO. 22 OF 2014

A Bill to provide for the compulsory use of mother tongue in imparting basic and primary education to children in all educational institutions and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Basic and Primary Education (Compulsory Teaching in Mother Tongue) Act, 2014.

Short title
and extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "basic education" means education provided in preparatory schools or kindergarten or such other schools where basic education is imparted, by whatever name called;

(c) "educational institution" includes a school which is run by Government or by any other authority designated by it or by a private institution, association or trust, whether aided by Government or not, recognized or unrecognized, imparting education to the children from primary level;

(d) "mother tongue" means the language generally spoken in the family of a child who learns it from his mother and other family members and which is one of the languages mentioned in the Eighth Schedule to the Constitution of India;

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "primary education" means education up to the level of middle class or eighth standard.

Compulsory imparting of basic and primary education in mother tongue of the child.

3. (1) Notwithstanding anything contained in any other law for the time being in force, every educational institution shall impart basic and primary education to the children in their mother tongue or dialect generally spoken in the region or State, as the case may be, where such an institution is located, in addition to Hindi or English language, as the case may be, so as to properly develop the faculties of the children:

Provided that if the mother tongue of a child is not the language generally spoken in the area in which the educational institution is located, the educational institution shall make arrangements for imparting education to that child in his mother tongue:

Provided further that arrangements may be made in imparting education in the mother tongue only if a minimum number of children, as may be prescribed, are interested in getting education in that language.

(2) For the purposes of sub-section (1), the appropriate Government shall appoint language teachers in all Government run or aided schools and provide requisite infrastructure for that purpose.

(3) The appropriate Government shall derecognize the educational institutions not complying with the provisions of this Act for such period as it may deem necessary and impose such other sanctions as may be prescribed after giving such institutions a reasonable opportunity to defend their cases.

Central Government to provide funds.
Power to remove difficulty.

4. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the States for appointing language teachers and for providing other infrastructure required for the purposes of this Act.

5. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made or direction be given after three years of the commencement of this Act.

Act to have overriding effect.

6. (1) The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

(2) The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, Parliament agrees in making any modification in the rule or agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

For a child, the easiest language to acquire knowledge and understanding of worldly affairs is his mother tongue. He learns to speak his mother tongue from his mother and family members, who generally speak the language spoken from generations or the dialect of their forefathers or of the area or region in which they reside. In major parts of our country, Hindi is the main language with different dialects at different places but it is written in Devanagari script and can be understood easily. Then, there are regional languages. A total of twenty-two languages have been recognized by our Constitution. The mother tongue, no doubt, is the most appropriate language for a child to develop his faculties. However, when a child is admitted in the play school or Kindergarten or primary school, more so in the so called elite or public schools, he has to switch over to English medium, which is the medium of instruction in such schools. At this stage the real difficulty of the child begins. He speaks and understands a particular language, *i.e.*, his mother tongue, but the education is imparted to him in a different language. This causes strain and in order to become a part of the system he starts ignoring his own mother tongue. In the Hindi speaking areas, students of public schools cannot count in Hindi and do not recognize Hindi alphabet because in their school they cannot speak in their language and have to speak only in English. In many schools, students are penalized if they speak in language other than English. Though the child learns English under compulsion but he is not at ease with this language and on the other hand he does not develop sufficient knowledge of his own language. It is, therefore, necessary that a child should be imparted basic and primary education in his mother tongue, which is the easiest language for him. Thereafter, the child can acquire the skills in other languages and opt for the language of his choice for his further studies.

Hence this Bill.

NEW DELHI;
June 6, 2014

OM PRAKASH YADAV

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall appoint language teachers and provide requisite infrastructure for it. The expenditure in respect of schools in Union territories and those funded or aided by the Central Government shall be borne out of the Consolidated Fund of India. Clause 4 of the Bill provides that the Central Government shall provide requisite funds to the States for carrying out the purposes of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore per annum will be involved as recurring expenditure.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of detail only. The delegation of legislative power is of a normal character.

BILL NO. 23 OF 2014

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2014.

Amendment
of the Eighth
Schedule.

2. In the Eighth Schedule to the Constitution, entries 3 to 22 shall be re-numbered as entries 4 to 23, respectively, and before entry 4 as so re-numbered, the following entry shall be inserted, namely:—

"3. Bhojpuri."

STATEMENT OF OBJECTS AND REASONS

Bhojpuri language which originated in the Gangetic plains of India is a very old and rich language having its origin in the Sanskrit language. Bhojpuri is the mother tongue of a large number of people residing in Uttar Pradesh, Western Bihar, Jharkhand and some parts of Madhya Pradesh as well as in several other countries. In Mauritius, this language is spoken by a large number of people. It is estimated that around one hundred forty million people speak Bhojpuri. Bhojpuri films are very popular in the country and abroad and have deep impact on the Hindi film industry.

Bhojpuri language has a rich literature and cultural heritage. The great scholar Mahapandit Rahul Sankrityayan wrote some of his work in Bhojpuri. There have been some other eminent writers of Bhojpuri like Viveki Rai and Bhikhari Thakur, who is popularly known as the “Shakespeare of Bhojpuri”. Some other eminent writers of Hindi such as Bhartendu Harishchandra, Mahavir Prasad Dwivedi and Munshi Premchand were deeply influenced by Bhojpuri literature. Bhojpuri language and its literature is gaining new heights because of the efforts made by various scholars.

Many personalities with Bhojpuri background have achieved highest positions in the country. Various International Conferences have been organized to promote Bhojpuri. At present Indira Gandhi National Open University is planning to start a certificate course in Bhojpuri language. Recently, the Bhojpuri study centre had been established in Banaras Hindu University to propagate and develop the Bhojpuri language. In Uttar Pradesh and Bihar, movements have been initiated to give Bhojpuri language its due place.

But it is unfortunate that the “Bhojpuri” language is yet to find a place in the Eighth Schedule to the Constitution.

For the promotion of literacy and the development of this language, it is necessary that this language be included in the Eighth Schedule to the Constitution.

Hence this Bill.

NEW DELHI;
June 9, 2014

OM PRAKASH YADAV

ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

EIGHTH SCHEDULE

[Articles 344(1) and 351]

Languages

1. Assamese.
2. Bengali.
3. Bodo.
4. Dogri.
5. Gujarati.
6. Hindi.
7. Kannada.
8. Kashmiri.
9. Konkani.
10. Maithili.
11. Malayalam.
12. Manipuri.
13. Marathi.
14. Nepali.
15. Oriya.
16. Punjabi.
17. Sanskrit.
18. Santhali.
19. Sindhi.
20. Tamil.
21. Telugu.
22. Urdu.

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BILL NO. 24 OF 2014

A Bill to provide for promotion of Sanskrit language including its compulsory teaching in schools and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Sanskrit Language (Promotion) Act, 2014.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "Board" means the Board for Promotion of Sanskrit Language constituted under section 8; and

(c) "prescribed" means prescribed by rules made under this Act.

Compulsory teaching of Sanskrit language in schools.

3. From such date, as the Central Government may, by notification in the Official Gazette specify, the Sanskrit language shall be taught as a compulsory subject in all schools.

Appropriate Government to issue directions for compulsory teaching of Sanskrit language in schools.

4. The appropriate Government shall, immediately after issuance of the notification under Section 3, issue directions for compulsory teaching of Sanskrit language in all schools from such class onwards as it may determine, within its jurisdiction.

Appointment of Sanskrit language teachers.

5. Subject to such rules, as may be prescribed, the appropriate Government shall ensure appointment of such number of teachers with such qualifications, as may be specified, for teaching Sanskrit language in schools.

Act to apply to minority educational institutions in certain situation.

6. Notwithstanding anything contained in this Act, the provisions of this Act shall apply to minority institutions only if the management of such institutions convey to the appropriate Government their willingness to include the Sanskrit language in their school curriculum.

Derecognition of schools for non-compliance of the provisions of the Act.

7. The appropriate Government shall derecognize a school, which does not comply with the provisions of section 4:

Provided that such school shall be given reasonable opportunity of being heard before any decision on derecognition is taken.

Board for the Promotion of Sanskrit Language.

8. (1) From such date, as the Central Government may, by notification in the Official Gazette appoint, there shall be constituted a Board for the Promotion of Sanskrit Language.

(2) The Board shall consist of a Chairperson and not more than four members to be appointed by the Central Government in such manner as may be prescribed.

(3) The salary and allowances payable to, and other terms and conditions of the service of the Chairperson and other members of the Board shall be such as may be prescribed.

Functions of the Board.

9. (1) The Board shall perform such functions for the promotion of Sanskrit language as it may consider necessary for the purpose.

(2) Without prejudice to the generality of the foregoing provision, the Board shall:—

(i) monitor the progress of promotion of Sanskrit language in the country;

(ii) take steps for collection and safekeeping of Sanskrit manuscripts from different parts of the country;

(iii) organize workshops and fairs in different parts of the country with a view to popularize Sanskrit language especially among the youth; and

(iv) encourage the translation of Sanskrit books in various Indian languages.

Central Government to provide fund.

10. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the States for carrying out the purposes of this Act.

11. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Overriding
effect of the
Act.

12. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Sanskrit language represents the soul of India. It has been the vehicle of Indian thoughts for millions. Sanskrit contains literature of exemplary value and the finest Indian minds found the expression in it.

It is indeed very sad that such a language has suffered utter neglect. Although, it is included in the Eighth Schedule to the Constitution, enough has not been done to promote it. In a situation where the new generation is running away from its own roots and has developed a contempt for the cultural traditions of our country, the importance of teaching Sanskrit becomes crucial. The time has come when we must make sincere efforts to make the new generation aware of the great traditions and thoughts of India. Accordingly, it is proposed in the Bill to make teaching of Sanskrit compulsory in schools to enable our children to identify themselves with noble traditions and thoughts of our country.

The Bill also envisages creation of a Board for the promotion of Sanskrit language. The proposed Board will not only oversee the progress being made for the promotion of Sanskrit language, but will also take other pro-active measures including translation of Sanskrit epics and plays in other Indian languages and safekeeping of priceless Sanskrit manuscripts lying in various parts of the country.

Hence this Bill.

NEW DELHI;
June 6, 2014

OM PRAKASH YADAV

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for appointment of Sanskrit language teachers in all schools. Clause 8 provides for creation of a Board for promotion of Sanskrit language. Clause 10 provides for payment of adequate funds to the States for carrying out the purposes of the Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five hundred crore per annum will be involved.

A non-recurring expenditure of rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

P. SREEDHARAN,
Secretary General.